

REMARKS

Claims 23 and 24 are pending in this application, of which claim 23 is independent. In this Amendment, claims 23 and 24 have been amended to improve wording. Care has been exercised to avoid the introduction of new matter. Support for the present Amendment should be apparent throughout the originally written description of the specification.

Claims 23 and 24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Hara et al.

The Examiner asserted that Hara et al. discloses a communication terminal for transmitting image data identically corresponding to what is claimed. Applicant submits that Hara et al. does not identically disclose an image data transmission apparatus including all the limitations recited in independent claim 23. Specifically, Hara et al. does not disclose, among other things, “a transfer condition table which includes... a transfer condition column including information about a transmission condition in the form of a transmission rate of a network used to transmit the image data to the receiving apparatus in the transmission destination area,” as recited in claim 23.

In the Office Action, the Examiner, referring to paragraphs [0060], [0080], and [0129] of Hara et al., asserted that display resolution KD of a destination in Fig. 5 indicates the display resolution of receiving devices and therefore, the rate at which the transmission should be performed is described (see page 3 of the Office Action). However, Applicant submits that the Examiner's position is illogical.

The table shown in Fig. 5 of Hara simply associates the address of a receiving terminal with the display resolution of that terminal. Applicant emphasizes that the display resolution is different from the transmission rate. The display resolution is related to a display, while the

transmission rate is related to transmission of data on a network. The Examiner did not provide any reason as to why the display resolution is equivalent to the transmission rate, nor does Hara et al. provide any support for the Examiner's position. The display resolution is not equal to the transmission rate. Accordingly, the Examiner's assertion is not technologically acceptable.

Based on the foregoing, Applicants submit that Hara et al. does not identically disclose an image data transmission apparatus including all the limitations recited in independent claim 23. Dependent claim 24 is also patentably distinguishable over Hara et al. at least because the claim includes all the limitations recited in independent claim 23. Applicant, therefore, respectfully solicits withdrawal of the rejection of the claims and favorable consideration thereof.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

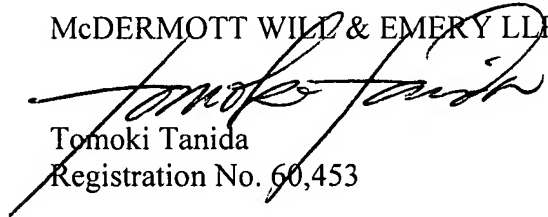
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Tomoki Tanida", is written over the printed name and registration number.

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